

MONTANA LEGISLATIVE HISTORY

Chapter 350 19 79

Bill H _____ S 304 Original bill & history ☒ C

H. Committee on Highways & Trans. S. Committee on Highways & Transportation

Hearing Date(s) 3-6 _____ C

3-8 _____ C

_____ C

_____ C

Date Out 3-8 _____ C

Hearing Date(s) 2-3 _____ C

2-6 _____ C

2-8 _____ C

_____ C

DATE OUT 2-8

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

CHAPTER. NO. 350

SENATE BILL NO. 304

INTRODUCED BY TURNAGE

IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Highways and Transportation.
February 9, 1979	Committee recommend bill do pass. Report adopted.
February 10, 1979	Printed and placed on members' desks.
February 12, 1979	Second reading, do pass.
February 13, 1979	Considered correctly engrossed.
February 14, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 15, 1979	Introduced and referred to Committee on Highways and Transportation.
March 8, 1979	Committee recommend bill be concurred in. Report adopted.
March 12, 1979	Second reading, pass consideration.
March 13, 1979	Second reading, concurred in.
March 16, 1979	Third reading, concurred in.

IN THE SENATE

March 17, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Sen. Turner* BILL NO. *304*
2 INTRODUCED BY *Turner*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 15-70-301, MCA, TO PROVIDE THAT THE DEFINITION OF "SPECIAL
6 FUEL DEALER" INCLUDES ANY PERSON PROVIDING A FACILITY FROM
7 WHICH MORE THAN ONE SPECIAL FUEL USER OBTAINS SPECIAL FUEL."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 15-70-301, MCA, is amended to read:
11 "15-70-301. Definitions. As used in this part, the
12 following definitions shall apply:

13 (1) "Bond" means:

14 (a) a bond duly executed by a special fuel dealer or
15 special fuel user as principal with a corporate surety
16 qualified under the laws of Montana, which bond shall be
17 payable to the state of Montana, conditioned upon faithful
18 performance of all requirements of this part, including the
19 payment of all taxes, penalties, and other obligations of
20 such special fuel dealer or special fuel user arising out of
21 this part; or

22 (b) a deposit with the state treasurer by the special
23 fuel dealer or special fuel user under such terms and
24 conditions as the department of revenue may prescribe of a
25 like amount of lawful money of the United States or bonds or

1 other obligations of the United States or the state of
2 Montana or of any county thereof of an actual market value
3 not less than the amount so fixed by the department.

4 (2) "Department" means the department of revenue.

5 (3) "Motor vehicle" means any vehicle which is
6 self-propelled upon the highways.

7 (4) "Person" means and includes any person, firm,
8 association, joint-stock company, syndicate, partnership, or
9 corporation; whenever used in any clause prescribing and
10 imposing a fine or imprisonment, or both, as applied to a
11 firm, association, syndicate, or partnership, means and
12 includes the partners or members thereof and, as applied to
13 joint-stock companies and corporations, the officers
14 thereof.

15 (5) "Public roads and highways of this state" shall
16 mean all streets, roads, highways, and related structures as
17 have been or shall be built and maintained with appropriated
18 funds of the United States and which have been or shall be
19 built and maintained with funds of the state of Montana or
20 any political subdivision thereof or which have been or
21 shall be dedicated to public use or have been acquired by
22 eminent domain or have been acquired by adverse use by the
23 public, jurisdiction having been assumed by the state or any
24 political subdivision thereof.

25 (6) "Special fuel" means those combustible gases and

1 liquids commonly referred to as diesel fuel or any other
 2 volatile liquid of less than 46 degrees A.P.I. (American
 3 petroleum Institute) gravity test, except liquid petroleum
 4 gas, when actually sold for use in motor vehicles propelled
 5 upon the public highways or streets within the state of
 6 Montana.

7 (7) "Special fuel dealer" means any person in the
 8 business of handling special fuel who delivers any part
 9 thereof into the fuel supply tank or tanks of a motor
 10 vehicle not then owned or controlled by him or any person
 11 who provides any facility, with or without attended
 12 services, from which more than one special fuel user obtains
 13 special fuel for use in the fuel supply tank of a motor
 14 vehicle not then controlled by such dealer. For this
 15 purpose the term "fuel supply tank or tanks" does not
 16 include cargo tanks even though fuel is withdrawn directly
 17 therefrom for propulsion of the vehicle.

18 (8) "Special fuel user" means any person other than a
 19 county, incorporated city or town, or school district of
 20 this state who consumes in this state special fuel for the
 21 propulsion of motor vehicles owned or controlled by him upon
 22 the highways of this state.

23 (9) "Use" means either the receipt, delivery, or
 24 placing of special fuels by a special fuel dealer into the
 25 fuel supply tank or tanks of any motor vehicle not owned or

1 controlled by him while such vehicle is within this state or
 2 the consumption by a special fuel user of special fuels in
 3 propulsion of a motor vehicle on the highways of this
 4 state."

-End-

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

BILL NUMBER	DATE RECEIVED	TITLE	SPONSOR	HEARING	ACTION
SB297	1-30-79	An act to amend section 61-3-335, MCA, to increase the grace period for a transfer of license plates to a newly acquired motor vehicle from 10 days to 20 days.	HAGER	2-6-79	DO PASS 2-6-79
SB304	1-31-79	An act to amend section 15-70-301, MCA, to provide that the definition of "special fuel dealer" includes any person providing a facility from which more than one special fuel user obtains special fuel.	TURNAGE	2-6-79	DO PASS 2-8-79
SB406	2-7-79	An act to permit a dealer in implements of husbandry to transport such implements on Saturday and Sunday; to provide for the purchase of an oversize permit by such dealer for \$75 to cover a period of one year; amending sections 61-10-121, 61-10-122, and 61-10-124, MCA.	CONOVER	2-13-79	DO PASS 2-13-79
SB424	2-9-79	An act to require the governor to develop a plan to reduce the central office administrative staff of all state agencies by 25%.	TOWE	2-13-79	LET DIE IN COMMITTEE 2-17-79
SB435	2-10-79	An act to include an auxiliary member on the Board of Pardons.	MEHRENS	2-15-79	DO PASS 2-15-79

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 3, 1979

The twelfth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 12:30 p.m.

ROLL CALL: All members of the committee were present with the exception of Senator Manning who was excused.

CONSIDERATION OF HOUSE BILL 74: Representative Budd Gould District 93 from Missoula told the committee this bill was an act to amend section 61-9-204 and 61-9-205 to decrease the minimum height requirement for taillamps and reflectors from 20 inches to 15 inches to conform to Federal Regulations. It is a simple bill. He introduced Larry Majerus to the Committee for further explanation.

Larry Majerus from the Department of Highways told the committee the Department had requested this bill to bring Montana Statutes in line with Federal requirements. It would decrease the minimum height requirement for taillamps and reflectors from 20 inches to 15 inches. All this bill would do is bring the statute into conformity with federal regulations.

Gerald F. Raunig from the Montana Auto Dealers Association told the committee he is in agreement with Larry Majerus, and supports HB 74.

Chairman Mark Etchart asked if there were any opponents to House Bill 74. He asked the committee if they had any questions. There being none, the hearing on HB 74 was closed.

CONSIDERATION OF SENATE BILL 304: Senator Turnage is the Chief Sponsor of SB 304. He told the committee it is a bill to amend section 15-70-301, MCA, to provide that the definition of "special fuel dealer" includes any person providing a facility from which more than one special fuel user obtains special fuel. He read to the committee portions of the existing law, see Page 3, Subsection 7, of SB 304. He told the committee some people who are involved in this area have apparently challenged the Department of Highways, saying they are not a dealer because they do not squeeze a nozzle and put fuel into a tank. He said they have two witnesses from the Department of Highways. He introduced Norris Nichols.

Norris Nichols, from the Department of Revenue said as the present act reads, if you are a dealer and place fuel into a fuel tank, you have to become licensed and post a bond and submit reports and tax to the Department. In the last several years, we have

run into key lock systems. They issue keys to customers and the theory is, because they do not place the fuel into that vehicle, they are not a special fuel dealer. This bill would alleviate this.

Jack Miller from the Dept. of Revenue said fuel locks first came into use about 5 or 7 years ago. Within the last 2 or 3 years the key locks have become a big item. They are still putting fuel into the fuel tanks. They are not licensed as a special fuel dealer. What they have come up with is a lease type deal. They lease the tank and prepay for a certain amount of fuel. Then the people take a portion, they are selling fuel in bulk. The fuel is then withdrawn by various people with keys. Since the dealer is not licensed, there are no reports filed. We have no way of knowing how many gallons people are withdrawing. The pump looks like any service station pump. The pump has twenty keys and the dealer will issue the keys. The people can come in anytime day or night and withdraw fuel. The dealer will read the meter the 1st or last of the month and that is what the person is billed for. There are a lot of key pumps around the state. There is no major problem with them. The people who are making sales into vehicles are all licensed now.

Chairman Etchart asked the committee if they had any questions.

Senator Graham asked the men from the Department about a trucking firm that is running night and day and they buy fuel and put it into tanks. The truckers come along and refuel when they want to. Does that bulk dealer that is selling these tanks collect the fuel tax on this.

Mr. Miller said if the dealer put the fuel into the tank and billed the users for the amount of fuel in the tank, this is a bulk dealer. He can sell it tax included or not tax included. That is optional.

Senator Graham said if the dealer knows it would be highway use, it looks like the dealer should pay the tax on it and at the same time.

Mr. Miller said the users decide whether the tax be included or not. Some outfits may be running from state to state. If he bought all his fuel, tax paid, in Montana and went into Washington, then he would have to get a credit in Montana and still owe the State of Washington. If they pay their own tax, it balances out.

Senator Graham wanted to be sure and get this clear and said "if you are a truckline and you are operating outside a bulk storage, if you buy fuel from a licensed dealer, you can pay the dealer tax or you can pay tax based on miles traveled to the department.

Senator Etchart said he still had problems with this bill.

PAGE 3

In Glasgow we have a bulk tank that twenty people are using. We can gas up after hours and on Sundays. A lot of the farmers and ranchers don't want to have a bulk tank out on their farm because it is just an invitation to vandalism. A lot of the guys have tanks in their trucks and gas them up.

Mr. Miller said this was no problem, because the sale is then made into a tank. As long as it is that type of sale he would not have to be licensed. When the user submits their monthly tax report, he has to show where he buys the fuel. One of the departments specific jobs is to see where the person is buying fuel and check if they are licensed. You can usually tell if it is a delivery into a supply tank.

Senator Graham asked Mr. Miller, You are assuring me it does not change the status for the one truck line who has his own bulk storage.

Mr. Miller said yes.

There being no further question, the hearing was closed.

CONSIDERATION OF HOUSE BILL 27: Jim Beck from the Department of Highways told the committee Representative Baeth could not make it to the Hearing and he would explain the bill. He told the committee it is an act to amend section 60-5-106, MCA, pertaining to controlled-access highways. This bill was requested by the Department of Highways and would clear up two problems. See Exhibit "A".

Chairman Etchart asked if there were any opponents to HB 27. He asked if there were any questions from the committee.

Senator Graham asked Mr. Beck if this bill had been before the Legislature once before.

Mr. Beck said Yes, at that time we amended the bill.

Senator Healy asked Mr. Beck if this wouldn't be a good safety factor.

Mr. Beck said yes, the bill is designed for safety. It does, however, not forestall development. It just forces the county to put in roads parallel to the existing highway.

There being no further questions, the hearing was closed on HB27.

ACTION ON SENATE BILL 304: Chairman Etchart remarked the key lock pump deal worried him.

Senator Healy said he did not see any trouble with it.

Senator Etchart suggested holding SB 304 over until Tuesday and this would give him a chance to study it further and talk

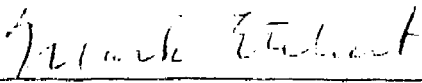
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to some people from Glasgow about it.

ACTION ON HOUSE BILL 27: Senator Healy made the motion to DO PASS House Bill 27. Senator Hazelbaker seconded the motion. The motion passed unanimously. Senator Healy will carry HB 27.

ACTION ON HOUSE BILL 74: Senator Kolstad made the motion to DO PASS House Bill 74. Senator Hazelbaker seconded the motion. The motion carried unanimously.

There being no further business of the committee the meeting ended at 1:30 p.m.



CHAIRMAN MARK ETCHART

cf

2-3-79

ROLL CALL
Highways & Trans COMMITTEE
46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman		✓	
Frank W. Hazelbaker	✓		
Allen C. Kolstad	late ✓		
Carroll A. Graham	✓		
Dave Manning			✓
John E. Healy (Jack)	✓		

Each Day Attach to Minutes.

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 6, 1979

The thirteenth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:00 p.m.

ROLL CALL: All members of the committee were present.

Chairman Etchart asked if there was anyone here to testify on Senate Bill 304. There was no one.

CONSIDERATION OF SENATE BILL 297: Senator Hager told the committee this bill was introduced by the Department of Justice. The bill is an act to amend section 61-3-335, MCA, to increase the grace period for a transfer of license plates to a newly acquired motor vehicle from 10 days to 20 days.

Larry Majerus from the Department of Highways said this bill will bring into line the registration requirements. We overlooked it two years ago. This brings license requirements together with registration requirements, which are one in the same.

Chairman Etchart asked if there were any opponents to SB 297. There were none. Chairman Etchart asked if there were any questions from the Committee: There were none. The hearing was closed.

ACTION ON SENATE BILL 297: Senator Kolstad made the motion to DO PASS Senate Bill 297. Senator Manning seconded that motion. The motion carried unanimously.

Senator Manning made the motion to place SB 297 DO PASS on the Consent Calendar. Senator Kolstad seconded that motion. The motion carried unanimously to place SB 297 on the consent calendar.

CONSIDERATION OF SENATE BILL 304: Chairman Etchart asked the committee to hold over SB 304 so he could gather more information. Senator Kolstad asked him if he had people who had opposition to this bill. Senator Etchart told the committee the people he had talked to did not know too much about the bill. The person he talked to has a wholesale and a retail license. They pay gas tax when the gas is delivered to them. They pay gas tax on everything. He said he would like to hold up on this and see if there is going to be a problem.

CONSIDERATION OF SENATE BILL 113: Shaun Simon, Legislative Council, gave the secretary amendments to SB 113 and asked that they be ready for the Thursday meeting.

2-6-79

46th LEGISLATIVE SESSION - 1979

[illegible]

Each Day Attach to Minutes.

SENATE

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 8, 1979

The Fourteenth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:00 p.m.

ROLL CALL: All members of the committee were present with the exception of Senator Hazelbaker.

CONSIDERATION OF SENATE BILL 113: Dave Cogley from the Legislative Council explained the three amendments to Senate Bill 113 to the committee members. He passed out information pertaining to the 1st amendment (Exhibit "A").

William Romine told the committee that DWI requires that a person be in the act of physical control. He said you can be picked up for DWI for just being in the car, with the keys in your pocket, sleeping, sitting, etc. It does not matter if you are not in control of the car.

Senator Kolstad said he questioned that.

Mr. Romine said it has happened in Montana and is on the books.

Dave Cogley told the committee a man was arrested in Kalispell and was charged with DWI and the courts dismissed the charge, because he was in his driveway. There is confusion and it does exist.

Chairman Etchart told the committee he thought Senator Hazelbaker's Amendment No. 2 is a substantive change and that it should not be included in the amendments to this bill.

Senator Hager made the motion to DO PASS Amendments 1 and 3. The motion carried unanimously.

Senator Graham moved to DO PASS AS AMENDED Senate Bill 113. The motion carried unanimously. Senator Graham will carry the bill with Senator Hager's help.

COMMITTEE BILL: Senator Hager made the motion that the Highway and Transportation Committee introduce a bill known as LC 1866/01 as a Committee Bill. It is an act to provide for the removal and disposal of abandoned motor vehicles on private property; amending sections 61-8-356 and 61-12-401, MCA.

The motion carried unanimously to DO PASS the committee bill.

CONSIDERATION OF SENATE BILL 304: Chairman Etchart reported he had some problems with this bill, but in checking it out he did not think it would hurt any of the key pump operations in his area. He called Glasgow and found out that the people paid for gas tax when the gas was delivered off the gas trucks and put into the holding tanks. They then pass the tax onto the customers when they buy gas. These people have both retail and wholesale licenses. I see no problem with this bill.

ACTION ON SENATE BILL 304: Senator Graham made the motion to DO PASS Senate Bill 304. The motion carried unanimously. Senator Etchart will carry the bill on the floor of the Senate.

CONSIDERATION AND ACTION ON SENATE JOINT RESOLUTION 7: Chairman Etchart asked the secretary to hold SJR 7 for awhile, until a decision could be made about handling it. The new Senate Resolution draft was passed out to the committee members.

Senator Hager made the motion to introduce this as a Senate Resolution by the Highway Committee. The motion carried unanimously. Senator McCallum will carry this bill. Senator Etchart will introduce the bill on the floor of the Senate.

OTHER BUSINESS: There being no other business the meeting adjourned at 1:45 p.m. There will be no meeting on Saturday.

Mark Etchart

SENATOR MARK ETCHART, CHAIRMAN

2-8-79

ROLL CALL

Highways COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker			
Allen C. Kolstad	✓		
Carroll A. Graham	✓		
Dave Manning	✓ late		
John E. Healy (Jack)	late		

Each Day Attach to Minutes.

SENATE COMMITTEE Highways & Transportation

Date 2-8-79 Senate Bill No. 304 Time _____

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker		
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning		
John E. Healy	✓	

Carol Francis
Secretary

Mark Etchart
Chairman

Motion: Do Pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 8 1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Bill No. 304

Respectfully report as follows: That Senate Bill No. 304

DO PASS

HIGHWAYS AND TRANS. COMMITTEE

46 Legislature

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Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 788	To provide financial assistance for the manuf., purchase, or lease of certain railroad rolling stock, etc.	Feb. 13	Iverson	Feb. 20	Table Referred	2/20 2/23
HJR 43	Urges continuation of the rail service provided by the Milwaukee Road	Feb. 14	Roth	Feb. 20	Do Pass	2/20
HB 364	Act to allow the use of blue lights on ambulances, etc.	Feb. 15	Uhde	Feb. 20	Do Not Pass	2/20
HB 819	Includes within the definition of "bicycle" certain motorized bicycles; exempting bicycles from taxation; etc.	Feb. 15	Gould	Feb. 20	No Recommendation	2/20
SB 304	Provides that the definition of "special fuel dealer" includes any person providing a facility from which more than one special fuel user, etc.	Feb. 15	Turnage	March 6	Be Concurred In	3/8
HB 850	Act to further prohibit the littering of highways and increase the penalty for	Feb. 16	Cooney	Feb. 20	Do Pass	2/20

March 6, 1979

The House Highways and Transportation Committee convened on March 6, 1979, at 1:30 p.m., in room 20 of the Capital Annex, with Chairman Baeth presiding and fourteen members present (excused were Reps. Fabrega and Rosenthal), to hear testimony on the following bills.

SENATE BILL 113 SENATOR CARROLL A. GRAHAM, District 29, the chief sponsor, said this bill was at the request of the Code Commissioner and revises and clarifies the law relating to motor vehicles. He introduced the following proponent who, he said, would explain the bill.

DAVID COGLEY, Code Commissioner Staff, referred the committee members to the green summary sheets (exhibit 1) and briefly discussed the highlights. One point discussed at length was that arrests of DWI-Alcohol could now only be made on public highways and not on private property. A further summary of SB 113 is exhibit 2 of the minutes.

BILL ROMINE, speaking for self, said he favored the change mentioned above.

Mr. Cogley suggested an amendment on page 18, line 2, to strike "LICENSE" and insert "the manufacturer's identification."

SENATE BILL 304 SENATOR JEAN A. TURNAGE, District 13, the chief sponsor, said this bill was at the request of the Motor Fuels Division to enlarge the definition of "special fuel dealer" to include any person providing a facility from which more than one special fuel user obtains special fuel.

NORRIS NICHOLS, Administrator, Motor Fuel Tax Division, said they have a problem which could become bigger as key locks and the like become more used. The problem, since these pumps are unattended, is to determine the tax due the state. The bill asks for a little more clarification.

Senator Turnage said this bill will give the department a chance to administer the act.

HOUSE BILL 406 SENATOR MAX CONOVER, District 36, left a copy of several amendments (exhibit 3). He said this bill will permit implement dealers within the state to transport machinery out to farms on Saturdays and Sundays. This bill would also provide for a \$75 oversize permit. He said the fiscal note attached is not correct.

AVIS ANN TOBIN, Montana Hardware and Implement Association, said this bill would allow them to move their implements over the week end. She said they also favor the reduced permit rate.

BILL ROMINE, Montana Automotive Dismantlers and Recyclers Assoc., said at the present time the farmer can't move his machinery on Saturdays and Sundays. He felt this bill shouldn't just apply to the dealer.

HENRY E. LOHR, Townsend, Hank's Salvage and Recycling, spoke in support of the bill.

March 8, 1979

The House Highways and Transportation Committee convened on March 8, 1979, at 1:30 p.m., in room 20 of the Capital Annex, with Chairman Baeth presiding and fourteen members present (Reps. Fabrega and Magone were absent). Chairman Baeth opened the meeting to a hearing on the following bills:

SENATE BILL 435 REPRESENTATIVE JOE F. KANDUCH, Sr., introduced this bill for SENATOR JOHN MEHRENS, District 45. Rep. Kanduch said this bill would include an auxiliary member to the Board of Pardons. He said the three members of the Board are from different parts of the state and do not take action unless all are present. As a result, in the winter and for personal reasons they have difficulty holding meetings. He said the auxiliary member would alleviate this problem to a degree as he would attend meetings when a regular member would be unable to. This member would be appointed by the governor. Rep. Kanduch said they felt he should be paid while being oriented, so a \$500 appropriation is being requested.

During questions from the committee, qualifications were discussed. Bob Lane mentioned that line 17 specifies qualifications.

HOUSE JOINT RESOLUTION 50 REPRESENTATIVE ROBERT SIVERTSEN, District 7, the chief sponsor, said the 55 mile per hour speed limit does not conserve fuel or save lives. The money spent to enforce it could be better spent if applied to safety programs. He said the 55 mile per hour speed limit was the only conservation program the President has, and even if it isn't working, it is being pushed. He said the federal government was trying to dictate to the states, that President Carter is hanging his hat on this conservation measure and imposing it with very little justification, and for that reason he is submitting this resolution to raise the speed limit to 65 miles an hour. A copy of his testimony is exhibit 1 of the minutes.

Rep. Keyser said the resolution has merit. He said trucks have to gear down to hold 55 and then put forth extra to make the hills. He said a good speed for most of them is 58 to 60.

Rep. Cooney said much of the information given by Rep. Sivertsen applies to the whole nation and not really applicable to Montana. Rep. Rosenthal mentioned that even if the saving on fuel isn't great, even a little helps--and he reminded the committee the United States does have a problem with their trade deficits--much due to oil imports. He said we often criticize the President's energy policy and he questioned how this bill was going to help in the energy area. Rep. Cooney asked why Rep. Sivertsen didn't address the issue more and encourage more fuel efficiency. Rep. Sivertsen in response to a question said there were nine states represented in Denver, he didn't know how many would be sending in this type of resolution.

Chairman Baeth opened the meeting to an executive session on the following bills:

EXECUTIVE SESSION

SENATE BILL 435 Rep. Cooney moved be concurred in. Rep. Lien said he felt this was a good bill. Rep. Wood questioned if there would be a lack of continuity--would a five man board be better? A voice vote was taken and the motion carried unanimously with those present (Reps. Fabrega, Kropp and Magone absent).

HOUSE JOINT RESOLUTION 50 Rep. Lien moved do pass. Rep. Rosenthal moved a substitute motion of do not pass. He said the fuel savings even if not great is worthwhile. Rep. Lien spoke against the substitute motion. He said in their wide open area this speed limit is not needed, and that it forces trucks to gear down and have problems with the hills. Rep. Keyser said he had 22 years of experience enforcing speed limits. He said the 55 miles an hour is probably a good speed limit for the eastern states with their more dense population, but he didn't feel it was a good limit for the state of Montana. He said we save some energy on cars and then lose it in the trucks--and he said even some automobiles function better at 60 than 55. Rep. Cooney spoke for the substitute motion. He felt this was the wrong time to introduce this type of legislation. Rep. Feda mentioned the transportation difficulties on the highline and that they depend a good deal on cars and trucks for their transportation and could use a little faster speed. Question was called and a voice vote taken. The motion of do not pass failed with 5 yes (Frates, Uhde, Cooney, Rosenthal and Baeth), 7 no and 4 absent (Fabrega, Magone, Kropp and Kanduch). A vote was then taken on the motion of do pass and the vote was reversed, so this motion carried.

SENATE BILL 113 Rep. Meyer moved the amendment on page 18, line 2, to strike "LICENSE" and insert "manufacturer's identification." This motion carried unanimously with those present. Rep. Feda moved the bill as amended be concurred in. This motion carried with Rep. Keyser voting no and the same absent. Chairman Baeth will carry this bill on the floor.

SENATE BILL 304 Rep. Lien moved be concurred in. This motion carried unanimously with those present (absent were Fabrega, Magone, Kropp and Kanduch). Rep. Kropp will carry this bill on the floor.

SENATE BILL 406 Rep. Keyser moved be not concurred in. Rep. Lien moved a substitute motion of be concurred in. Rep. Feda moved a motion for all motions pending of adopting the amendments presented by Senator Conover (exhibit 2) except the second and the last ones. This motion carried unanimously with those present. Rep. Kropp had come in so absent were Reps. Fabrega, Magone and Kanduch. Rep. Keyser spoke on his motion of do not pass. He said this could kill the motoring public. He said the Highway Department is proposing an amendment to their rules which will grant some over width and oversized vehicles which will be effective April 2, 1979. He said the gentleman pushing the bill was from Great Falls. He said he had checked with

SENATE BILL NO. 304

INTRODUCED BY TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 15-70-301, MCA, TO PROVIDE THAT THE DEFINITION OF "SPECIAL FUEL DEALER" INCLUDES ANY PERSON PROVIDING A FACILITY FROM WHICH MORE THAN ONE SPECIAL FUEL USER OBTAINS SPECIAL FUEL."

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"15-70-301. Definitions. As used in this part, the following definitions shall apply:

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(a) a bond duly executed by a special fuel dealer or special fuel user as principal with a corporate surety qualified under the laws of Montana, which bond shall be payable to the state of Montana, conditioned upon faithful performance of all requirements of this part, including the payment of all taxes, penalties, and other obligations of such special fuel dealer or special fuel user arising out of this part; or

(b) a deposit with the state treasurer by the special fuel dealer or special fuel user under such terms and conditions as the department of revenue may prescribe of a like amount of lawful money of the United States or bonds or

other obligations of the United States or the state of Montana or of any county thereof of an actual market value not less than the amount so fixed by the department.

(2) "Department" means the department of revenue.

(3) "Motor vehicle" means any vehicle which is self-propelled upon the highways.

(4) "Person" means and includes any person, firm, association, joint-stock company, syndicate, partnership, or corporation; whenever used in any clause prescribing and imposing a fine or imprisonment, or both, as applied to a firm, association, syndicate, or partnership, means and includes the partners or members thereof and, as applied to joint-stock companies and corporations, the officers thereof.

(5) "Public roads and highways of this state" shall mean all streets, roads, highways, and related structures as have been or shall be built and maintained with appropriated funds of the United States and which have been or shall be built and maintained with funds of the state of Montana or any political subdivision thereof or which have been or shall be dedicated to public use or have been acquired by eminent domain or have been acquired by adverse use by the public, jurisdiction having been assumed by the state or any political subdivision thereof.

(6) "Special fuel" means those combustible gases and

1 liquids commonly referred to as diesel fuel or any other
2 volatile liquid of less than 46 degrees A.P.I. (American
3 petroleum institute) gravity test, except liquid petroleum
4 gas, when actually sold for use in motor vehicles propelled
5 upon the public highways or streets within the state of
6 Montana.

7 (7) "Special fuel dealer" means any person in the
8 business of handling special fuel who delivers any part
9 thereof into the fuel supply tank or tanks of a motor
10 vehicle not then owned or controlled by him or any person
11 who provides any facility, with or without attended
12 services, from which more than one special fuel user obtains
13 special fuel for use in the fuel supply tank of a motor
14 vehicle not then controlled by such dealer. For this
15 purpose the term "fuel supply tank or tanks" does not
16 include cargo tanks even though fuel is withdrawn directly
17 therefrom for propulsion of the vehicle.

18 (8) "Special fuel user" means any person other than a
19 county, incorporated city or town, or school district of
20 this state who consumes in this state special fuel for the
21 propulsion of motor vehicles owned or controlled by him upon
22 the highways of this state.

23 (9) "Use" means either the receipt, delivery, or
24 placing of special fuels by a special fuel dealer into the
25 fuel supply tank or tanks of any motor vehicle not owned or

1 controlled by him while such vehicle is within this state or
2 the consumption by a special fuel user of special fuels in
3 propulsion of a motor vehicle on the highways of this
4 state."

-End-